



City of Rochester

Department of Law
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Municipal Attorney

November 10, 2020

VIA ECF

Hon. Mark W. Pederson
100 State Street
Rochester, NY 14614

Your Honor,

With respect to the arguments made at Docket No. 95 concerning the untimeliness of Defendant's opposition to Mr. Shield's fee application, Defendants were fully prepared to respond to any briefing schedule issued by the Court. It is common practice for the Court to issue a briefing schedule, at times, weeks after a motion has been filed. However, when the Court issued a Remark (Docket #93) it became obvious that no briefing schedule would be forthcoming, at which point, Defendants immediately filed a voluminous response to Mr. Shield's application, which had been obviously drafted well in advance.

Nevertheless from October 13, 2020 to October 27, 2020 I was out of the country with my family. Upon reentry I was forced to quarantine for another fourteen days. Accordingly, I was away from my office for over one (1) month and was forced to deal with several pressing legal matters remotely. Defendant prepared an exhaustive response to Mr. Shield's application which was obviously done well in advance of any remark made by the Court. This fact is apparent because our Opposition was filed within minutes of the Remark being filed.

We respectfully ask for the Court's consideration. Thank you.

Respectfully,

s/Spencer L. Ash, Esq.



